

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

IN THE SPECIFICATION:

In page 2, replaced the second paragraph under "CROSS-REFERENCES TO RELATED APPLICATIONS" with the following:

-- The present invention is also related to U.S. Patent Application Nos. 09/377,884, filed August 19, 1999, now U.S. Patent No. 6,638,233, entitled "Apparatus and Methods for Material Capture and Removal" and 09/377,894, filed August 19, 1999, now U.S. Patent No. 6,447,525, entitled "Apparatus and Methods for Removing Material From a Body Lumen," the complete disclosures of which are incorporated by reference.

--

Drawings

2. Upon further review of the drawings filed on 12/19/01, new corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because drawings contain lines, numbers & letters that are not uniformly thick and well defined (poor line quality). Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Information Disclosure Statement

3. A copy of the IDS filed on 6/3/02 is being provided to show the inclusion of the Application Ser. No. on the top right hand section of the IDS.

4. A copy of the IDS filed on 6/9/09 is being provided to include the date in the NPL section for DE 44 44 166 A1.

Reasons for Allowance

5. The following is an examiner's statement of reasons for allowance:

The prior art of record fails to teach or render obvious a method of removing material from a body lumen, the method comprising, inter alia, deflecting a distal portion of the catheter relative to a proximal portion of the catheter to expose the tissue debulking device through a cutting window, the deflecting step being carried out by

Art Unit: 3773

sliding the tissue debulking device against a cam surface to expose the tissue debulking device through the cutting window; and debulking the body lumen by advancing the catheter in the body lumen to move the rotating tissue debulking device and cutting window through material in the body lumen during the debulking step.

The Hundertmark reference (5,643,296) fails to teach the step of sliding the tissue debulking device against a cam surface to expose the tissue debulking device through the cutting window (as argued by the applicant in the remarks filed on 9/1/09, pages 3-4).

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Darwin P. Erez who whose telephone number is (571)272-4695. The examiner can normally be reached on M-F (8:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jackie Ho can be reached on (571) 272-4696. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3773

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Darwin P. Erez/
Primary Examiner, Art Unit 3773